



Acts made the 5th Assembly, 4th Session.

Beginning the 15th day of October, and ending the 3d Day of November, following, *Anno Regni Regis Guielmi Tertia Anglia, Scotia, Francia, & Hibernia, Octavo.*

An ACT to vicate a Deed of Trust executed by John Robinson and Margaret his Wife, for the Land now in the Tenure and Occupation of Cornelius Barneson, and for the Confirming of the same unto him, his Heirs and Assigns forever.

An ACT for the Raising One Hundred Men, to be listed in his Majesties three Companies posted at Albany, for the Security of the Fronteers, and for the raising of Twelve Hundred Pounds for the encouraging such as shall List themselves in the said Companies, and for the defraying of other contingents Charges at the said Fronteers.

WHEREAS the Provision that was lately made for the Re-inforcing and strengthening the Fronteers of this Province at Albany, hath not had that effect that was designed, many of the Soldiers that were listed in his Majesties Companies, and posted there, having deserted the said Service, whereby the said Fronteers are much weakened, and his Excellency being pleased in his Speech to Recommend that one hundred men should be forth-with raised, to be added to the two hundred and twenty one men that are in his Majesties three Companies there,

there, as a necessary Force for the Defence of that place, The Representatives convened in General Assembly, taking the same into their serious Consideration, and being willing on all Occasions, out of their dutiful and Loyal Affections unto his most Excellent Majesty, to joyn with and assist his Excellency in the great and prudent care he hath always taken, and does daily take for the Security of the said Fronteers, Humbly pray that it may be Enacted, *And be it therefore Enacted by his Excellency the Governour and Council, and Representatives convened in General Assembly, and by the Authority of the same,* That the Sum of six hundred Pounds current Money of this Province, be laid, assessed raised and levied upon all and every the Inhabitants, Residents, Sojourners and Free-holders of and in this Province, to be employed by his Excellency for the raising one hundred effective men, to be listed in his Majesties said three Companies, now posted there for the necessary Defence of the said Fronteers, & there to continue and remain from the first day of *November* next, until the first day of *May* then next following. And for the better enabling his Excellency to raise the said one hundred effective Men, the said six hundred Pounds is to be distributed in manner following, that is to say, **The Sum of five Pounds** to be given to such Persons as shall voluntarily list themselves in the said Companies, and **Twenty shillings** to such Person or Persons for each man he or they shall procure to be listed in the said Companies in manner aforesaid.

And whereas the Enemy by their late IncurSION into the Indian Country has destroyed the two Castles of the *Onondages* and *Oneydes*, and also wasted & destroyed their Indian Corn, by which means the said two Nations of Indians are constrained to disperse themselves, and their Wives and Children likely to perish if Provision be not made for their Relief and Subsistence this ensuing Winter,

Be it further Enacted therefore by the Authority aforesaid, That the Sum two hundred Pounds be also laid, assessed, raised and levied upon all and every the Inhabitants, Residents, Sojourners and Free-holders of and in this Province, to be employed by Major Peter Schuyler, Major Derick Wessels, and Mr. Killian van Ranslaer, for the procuring of Corn and other Necessary Provision, and the same to be Distributed by them among such of the said Indians as shall want Relief, as to their discretion shall seem meet and Convenient, they keeping a true and exact account thereof.

And whereas the many false Alarms that have lately happened in this Province, have occasioned great Charge and discontent among the Inhabitants, To the end that the same may for the future be prevented, *Be it further Enacted by the Authority aforesaid,* That there be the Sum of two hundred Pounds also laid, assessed, raised and levied upon all and every of the Inhabitants, Residents, Sojourners and Free-holders of and in this Province, to be employed by the said Major Schuyler, Wessels and Ranslaer, in the sending of Scouts of *Christians* and *Indians* to the Lake or else-where, to discover the motion of the Enemy, which are to be continually in the said Service from the first day of *November* next, until the first day of *May*

May next following, and also for the payment of those that were lately sent out, and are now in pursuit of the Enemy.

And whereas his Excellency was necessitated to raise some Money upon the Credit of the Government, for the defraying of the Extraordinary Charge at the time of the late Invasion of the Enemy into the Indian Country, *Be it further Enacted by the Authority aforesaid*, That the Sum of two hundred Pounds be also laid, assessed, raised and levied upon all and every the Inhabitants, Residents, Sojourners and Free-holders of and in this Province, for and towards the payment of the Money raised upon the said Credit, and the defraying of the extraordinary Charge.

And whereas the Money agreed to be raised by this Act will be now presently wanting for the payment of such men as shall voluntarily lift themselves, as aforesaid, and the supplying the other Necessities hereby granted, *Be it further Enacted by the Authority aforesaid*, That the Sum of One Hundred Pounds, like current Money aforesaid, be laid, assessed, raised and levied upon all and every the Inhabitants, Residents, Sojourners and Free-holders of and in this Province to be employed for the payment of the Interest of Ten per Cent. for the Money that shall be advanced by any Person or Persons for the purposes aforesaid upon the Credit of this Act. All which several and respective Sum and Sums of Money, to be laid and assessed in manner aforesaid makes in the whole the Sum of Twelve hundred Pounds current Money aforesaid, which said Sum shall be laid, assessed, raised and paid unto his Majesties Receiver General for the Time being, at the City of New-York, at or before the 25th day of March next, which shall be in the year of our Lord 1697. for the end and purposes aforesaid, and to no other end or purpose whatsoever, according to the several and respective Quotas, and Proportions following, that is to say,

For the City and County of New-York, three hundred sixty five Pound.

For the County of Westchester, sixty nine Pound twelve shillings.

For the County of Richmond, thirty seven Pound four shillings.

For Kings County, one hundred ninety four Pound eight shillings.

For Queens County, one hundred ninety three Pound sixteen shillings.

For Suffolk County, two hundred sixteen Pound.

For Ulster and Dutchess County, one hundred and eight Pound.

For Orange County, twelve Pound.

And for the due and better assessing, Levying and paying the aforesaid Sum of 1200 l. current Money aforesaid, *Be it further Enacted by the Authority aforesaid*, That the Mayor and Aldermen of the City of New-York, the Justices of the Peace for the Time being, for the several respective Counties aforesaid, for the several Counties respectively, for the which they shall be Justices of the Peace, do within forty days after the Publication hereof, assemble and meet together in the Court houses, for the several and respective Cities and Counties, or such other place or places as they shall agree upon among themselves, and shall there order, that the Assessors and Collectors for the City of New-York, and the several and respective Towns, Mannors or Liberties within their several Jurisdictions for the assessing, collecting and receiving of the Publick Rates,

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for the defraying of the publick Charge of each respective City and County
aforesaid, be the assessors and Collectors, for the assessing, collecting and
receiving the Sums of Money therein before mentioned, according
to the Proportions before expressed, as to the said Mayor, Aldermen and
Justices shall best meet and reasonable.

And forasmuch as there are severall Towns, Mannors and Jurisdictions
within the respective Counties aforesaid, who refuse, neglect, or do not
elect annually, or once every year Assessors or Collectors, whereby the
intent of this and other Acts heretofore made and published, may be
evaded and frustrated, *Be it therefore Enacted by the Authority aforesaid,*
That if any of the respective Towns, Mannors or Jurisdictions within the
several Counties aforesaid, shall refuse, neglect, delay or deny to chuse or
elect Assessors and Collectors for the assessing of their several & respective
Towns, Mannors and Jurisdictions, and for the Collecting the same ac-
cording to the true intent, meaning and directions of this and the other
Acts, in such case made and provided, then and in such case it shall and
may be lawful for the Justices of the Peace, or any two of them in the
Counties where such Towns, Mannors and Jurisdictions are, who are
hereby impowered and authorized to nominate and appoint Assessors and
Collectors for such Towns, Mannors and Jurisdictions as shall refuse,
neglect, delay or deny as aforesaid, or heretofore have refused, neglected,
delayed or denyed, which Assessors and Collectors, so nominated and
appointed in manner aforesaid, shall to all intents and purposes be deemed
and esteemed the Assessors and Collectors of the said Towns, Mannors and
Jurisdictions, and observe and execute the Directions of this and other
Acts, under the Pains and Penalties in the said Act contained and men-
tioned.

And Be it further Enacted by the Authority aforesaid, That the said Mayor
and Aldermen, the Justices of the Peace for the respective Cities and
Counties, Towns, Mannors and Jurisdictions, have and shall have,
by virtue of this Act full Power and Authority, each of them by himself
to administer to such Assessor or Assessors that shall be elected or nomi-
nated and appointed in manner aforesaid, *That they shall Well and
Truly execute the Office of an Assessor, and Well, Truly, Equally,*
impartially and in due proportion assess and rate the Estates of the Inhabitants,
Residents, Sojourners and Free-holders of the respective places for which
they shall be chosen, elected, nominated and appointed Assessors, according
to the best skill and knowledge; and therein they shall spare no Person for favour nor
affection, or grieve any Person for hatred or ill will. And the said Assessors
are hereby required to deliver one Copy of their Assessment fairly written
and subscribed by them, unto the said Justices, or to the Office of the
Clerk of the Peace of the respective County to which they belong. And
the said Justices for each respective County, or any two or more of them
are hereby ordered and required to cause the said several and respective
Assessments to them delivered, to be fairly written, and to sign and seal
several Duplicates or Copies of the said Assessment, and one of them to
signed and sealed, forthwith to deliver, or cause to be delivered unto the

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Anglia, Scotia, Francia, &c. Octavo.

within the severall and respective Cities and Counties aforesaid, and shall likewise deliver, or cause to be delivered another fair Copy, so signed and sealed, unto the Clerk of the Peace of the respective County to which they shall belong, there to be filed, and remain upon Record. And the Clerk of the Peace of each County is hereby required to transmit the Sum of the Assessment of each Town unto the Receiver General at New-York for the time being.

And be it further Enacted by the Authority aforesaid, That if any Person or Persons, who shall be chosen, elected, nominated or appointed, in manner aforesaid, Assessors or Collectors, shall deny, neglect, refuse or delay, or unequally and partially shall assess, as by this, and the other Acts are required; or shall deny, neglect, refuse or delay to collect any Sum or Sums of Money, in form before-mentioned, assessed, that then in such case it shall and may be lawful for any two or his Majesties Justices of the Peace of the City and Counties where such Offenders shall happen to dwell or reside, and who by virtue of this Act are required and empowered to do the same by Warrant under Hand and Seal, to commit such Assessors or Collectors, so denying, refusing, neglecting or delaying, or unequally and partially assessing, or refusing to collect, as aforesaid, to the common Goal, there to remain without Bail or Main-prize till he or they shall make fine and Ransom to his Majesty, for such his Contempt, as aforesaid. And upon such Commitment the Justices are speedily required to nominate and appoint other Collectors and Assessors in their stead and room.

And whereas there are several Persons that have shut their Doors, and refused to pay the Rates assessed by virtue of several Acts of Assembly heretofore made and provided, whereby the intent of the said Acts seemed to be frustrated, *Be it further Enacted by the Authority aforesaid,* That if any Person or Persons shall longer neglect or refuse to pay the several Rates and Assessments wherewith they were formerly charged by several Acts of General Assembly heretofore made & provided, or hereafter shall neglect or refuse to pay the several Rates & Assessments wherewith he or they are charged with this Act, for or in respect of his or their Goods & Chattels, Lands or Tenements, shall be neglected or refused to be paid, then upon demand of the Collectors that shall be chosen or appointed to receive the same, or within Ten days next and after the said Demand, it shall and may be lawful to and for such Collectors and they are hereby required, for Non-payment thereof, by Warrant under the hand of two Justices of the Peace, to distrain the person or persons so refusing or neglecting to pay by his or their Goods and Chattels, or distrain in and upon the Messuages, Lands & Tenements so charged, & the Goods and Chattels then and there found, and the Distress so taken, to carry away, and the same to expose to sale in the Town or County where such Distress is made, and for want of buyers, to carry the said Distress unto any other place in the Province for the sale of the said Distress accordingly, for the payment of the said Rate or Assessment, and the Over-plus coming by the said sale, if any be over and above the Charges of taking and carrying away the

if any be over and above the Charges of taking and carrying away the said Distress, to be immediately returned to the Owner thereof. And moreover, it shall and may be lawful to break open in the day time any House; and upon Warrant under the hand and seals of any two or more of the said Justices, any Chest, Trunk or Box, or other things, where such Goods are, and call to their assistance the Constables, or any other Persons within the respective Cities, Counties, Towns, Mannors and Juridictions where any refusal, neglect or resistance shall be made; which said Officers and Persons are hereby required to be aiding & assisting in the Premises.

And be it further Enacted by the Authority aforesaid, That if any Mayor, Alderman or Justice of the Peace within this Province, who are hereby required, impowered and authorized to take effectual care that this Act, and every Article and Clause therein be duely executed, according to the true intent and meaning thereof, shall deny, neglect, refuse or delay to do, perform, fulfil & execute all and every the Duties, Powers & Authorities by this Act required and impowered by him or them to be done, performed, fulfilled and executed, and shall thereof be convicted before his Excellency, the Governour and Council, or before any of his Majesties Courts of Record within this Province, he or they shall suffer such Pain by Fine and Imprisonment, as by the discretion of his said Excellency, the Governor and Council, & the Justices of the said Courts shall be adjudged.

And be it further Enacted by the Authority aforesaid, That if any Action, Complaint, Bill or Information shall be brought, moved or prosecuted at any time hereafter, against any person or persons, for any matter, cause or thing done or acted in pursuance or execution of this Act, such person or persons so sued or prosecuted in any Court whatsoever, shall and may plead the general Issue, *Not Guilty*, and give this Act and the special matter in Evidence. And if the Plaintiff or Prosecutor shall be Non-suited, or forbear further Prosecution, or suffer Discontinuance or Verdict to pass against him, the Defendant or Defendants shall recover tribble Costs, for which they shall have the like Remedy, as in case where Costs by the Law are given to Defendants.

Provided always, That no Mayor, Alderman or Justice of the Peace shall be troubled, sued, prosecuted or molested for any Omission, Offence or Neglect by virtue of this Act, but within the space of one Year after such Omission, Offence or Neglect, and not at any Time hereafter, any thing contained herein to the contrary hereof in any wise notwithstanding.